IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 29446 of 2006(E)

PETITIONER:

M.R.RAGHUNATHAN,
S/O.LATE RAMAN NAIR,
MANGALATH HOUSE, THURUTHISSERY,
MEIKKAD P.O., ERNAKULAM.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM.

2. THE SPECIAL TAHSILDAR,
LAND ACQUISITION, (GENERAL),
COCHIN-30.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 PHOTOCOPY OF THE NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DATED 11.4.2002.

EXT.P2 PHOTOCOPY OF THE NOTICE DATED 1.1.2003.

EXT.P3 PHOTOCOPY OF THE REPRESENTATION DATED 15.6.2006 SUBMITTED BY THE LANDOWNERS SAMITHY.

EXT.P4 PHOTOCOPY OF THE INTIMATION CARD DATED 11.7.2006 ISSUED BY THE GOVERNMENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

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K.T. SANKARAN, J.

W.P.(C).NO.29446 OF 2006E

Dated this the 19th day of January,2007

JUDGMENT

The reliefs prayed for in the Writ Petition are the following:

> "a) Declare that the land acquisition proceedings initiated against the petitioner pursuant to Ext.P1 notification has lapsed under section 11A of the Land Acquisition Act.
>
> b) Declare that 0.3500 hectors of landed property owned by the petitioner in Sy.No.205/7 of Nedumbassery village can be utilized for private any purposes.
>
> c) Issue a writ of prohibition restraining the revenue officials from acquiring the property owned by the petitioner as the notification was lapsed.
>
> d) Declare that the petitioner is entitled and eligible to get 19% interest for the compensation amount in case the govt. acquires his property situated in Sy.No.205/7 of Nedumbassery village.
>
> e) Pass such other orders as this Hon'ble Court may deem fit to grant in the circumstances of the case."

2. It is stated in the Writ Petition that the ancestral property belonging to the petitioner was

acquired for the construction of the International Airport at Nedumbassery. The petitioner now owns ten cents of land and in 2001, he constructed a house in that land in Sy.No.205 of Nedumbassery village. It is stated that he had taken loan from the bank for the construction of the house. Ext.P1 notification was published in Mathrubhoomi daily on 11.4.2002 under Section 4(1) of the Land Acquisition Act for acquiring the ten cents of land belonging to the petitioner along with other lands, having a total extent of 15.94 hectares, for the purpose of construction of Cochin Airport – Seaport Road. It is stated that since the land acquisition proceedings were not continued expeditiously, the petitioner and other land owners submitted representations before the Honourable Chief Minister and the Honourable Minister for Revenue. The contention of the petitioner is that the notification under Section 4(1) has lapsed under Section 11A of the Act and, therefore, the acquisition cannot be continued. The reliefs are prayed for in this background.

3. In the counter affidavit filed on behalf of respondents 1 and 2, it is stated that proceedings to acquire an extent of 10.8329 hectares of land for the formation of Seaport – Airport Road was taken. Declaration under Section 6 of the Land Acquisition Act was published on 18.3.2004. The requisitioning authority, namely, The Roads & Bridges Development Corporation Limited, did not provide sufficient funds for passing the award. It is admitted that the land acquisition proceedings have lapsed by 18.3.2006. It is further stated in the counter affidavit that further proceedings in the matter are under consideration of the requisitioning authority.

Since it is admitted that the proceedings have lapsed, no further orders are necessary in this Writ Petition. The Writ Petition is closed.

(K.T.SANKARAN)
Judge

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